

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

VICTOR H. DURAN-GAMBOA,

Petitioner,  
v.

CASE NO. 2:13-CV-1162  
CRIM. NO. 2:12-CR-74(2)  
JUDGE JAMES L. GRAHAM  
MAGISTRATE JUDGE ABEL

UNITED STATES OF AMERICA,

Respondent.

**ORDER**

On January 29, 2015, Petitioner Victor H. Duran-Gamboa filed a motion to withdraw his motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255.

Petitioner's motion, ECF 176, is **GRANTED**. The Magistrate Judge's *Report and Recommendation* recommending dismissal of this case, ECF 142, is **ADOPTED** and **AFFIRMED**.

The motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, ECF 141, is hereby **DISMISSED**.

**IT IS SO ORDERED.**

Date: February 2, 2015

s/James L. Graham  
JAMES L. GRAHAM  
United States District Judge